United Nations A/58/876–S/2004/675

General Assembly
Security Council

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General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 23 August 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary–General

I have the honour to transmit herewith a letter dated 20 August 2004, addressed to you by Mehmet Dana, Chargé d'affaires a.i. and Deputy Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter were circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

04-46988 (E) 260804

Annex to the letter dated 23 August 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

20 August 2004

I have the honour to convey herewith a copy of a letter dated 18 August 2004 addressed to you by H.E. Mr. Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Mehmet **Dana**
Chargé d'affaires a.i.

Enclosure

18 August 2004

I have the honour to refer to the two letters from the Greek Cypriot representative to the United Nations in New York, dated 26 and 23 July, respectively, and circulated as documents A/58/859-S/2004/598 and A/58/857-S/2004/596, and to bring to your kind attention the following views and considerations.

In his first cited letter, the Greek Cypriot representative portrays the Cyprus question as a problem of "invasion and occupation" in an attempt to escape the Greek Cypriot side's grave responsibility in the creation and the continuation of the dispute.

It is, in fact, true that there is an occupation in Cyprus but this is the 41-year-old usurpation and continued occupation of the seat of government of the once bi-national partnership Republic of Cyprus by the Greek Cypriot side. The Turkish intervention on Cyprus carried out in accordance with its rights and obligations emanating from the 1960 Treaty of Guarantee was fully legal and legitimate under article 4 of the said Treaty. The Turkish Army is in Cyprus under legal obligations to keep peace pending a solution and the Turkish military presence on the island is a vital security requirement for the Turkish Cypriot people, particularly in the absence of a comprehensive political settlement. It is, of course, very convenient that the Greek Cypriot representative chose to overlook that it was the Greek Cypriots who rejected your comprehensive settlement plan which effectively addressed and eliminated that requirement.

It is a well-documented reality that the Cyprus question did not arise overnight on 20 July 1974 but is the result of a long history of events perpetuated by the Greek Cypriots in order to annex the island to Greece (Enosis). Following the destruction in December 1963 of the Republic of Cyprus and their rejection by force of arms from the partnership government, the Turkish Cypriot people outlived the agonies and losses of the Greek Cypriot armed attacks, were confined to small enclaves, subjected to gross violations of human rights including being rendered refugees many times over, living under open-air prison conditions. Thousands of Turkish Cypriot civilians lost their lives, were maimed or wounded, hundreds more went missing under the 11-year Greek Cypriot oppression.

It is only natural that the Turkish Cypriot people commemorate the anniversary of the timely Turkish intervention which not only saved them from total annihilation but freed their vested rights to speak and act for themselves through their separate will, which they used towards unification. The 65-per-cent majority at the Turkish Cypriot referendum on your plan demonstrated beyond doubt that the expressed will of the Turkish Cypriot people is in favour of a just and viable solution rather than secession as suggested by the Greek Cypriot representative. As for the participation of Turkey at the commemorations, it needs to be stressed that she chose to honour the Turkish Cypriot invitation despite the fact that her presence carried the risk of Greek Cypriot distortion regarding her policy on Cyprus.

It is, however, well known that the official Turkish policy on Cyprus has not deviated from the one demonstrated during the negotiating period on your settlement plan. As also recorded by you, Turkey has been more than forthcoming in not only

cooperating to develop a solution in Cyprus but strongly encouraging the Turkish Cypriot side to opt for the approval of your comprehensive settlement plan, which you had described as the only choice opposed to no settlement. It is, therefore, uncalled for to accuse Turkey of pursuing anything other than a bi-zonal, bi-communal solution based on political equality, the responsibility for the absence of which rests solely with the Greek Cypriot side.

The rejection of your plan by 76 per cent at the Greek Cypriot referendum demonstrated that, in overwhelming majority, neither the Greek Cypriot people nor their political leaders are ready to enter into a power-sharing arrangement with the Turkish Cypriots. Instead, they choose to continue to enjoy the benefits of the usurped title of the "Republic of Cyprus" and their new European Union membership. The reason behind this rejectionist attitude was openly stated by the Greek Cypriot leader Mr. Papadopoulos in his address on 7 April 2004, when he demanded a "resounding no" to the Annan plan from the Greek Cypriots. It was to achieve the "joint strategic goal" of "politically upgrading and shielding their internationally recognized state".

The so-called "confidence-building measures" which comprise the second cited letter of the Greek Cypriot representative are also designed to achieve the very same goal. It is beyond comprehension how the Greek Cypriot administration can present the said measures as an act of goodwill aimed at confidence-building when their refusal of your plan ensured that every single one, and all its added benefits including unification, did not materialize under a power-sharing arrangement.

I wish to stress, at the outset, that the Turkish Cypriot side has always been and is committed to promoting the search for resolution through the creation of confidence between the two peoples of the island. In fact, the sincerity of our expressed will in this regard has been repeatedly demonstrated by unilateral actions including our landmark decision providing for mutual crossings across the two sides as well as the recent sequence of decisions waiving all restrictions with regard to crossings as to time and duration of stay, organization of tourist tours and the requirement for producing a valid passport. As you are well aware our humanitarian initiative regarding the opening of a Greek Cypriot secondary school in the Karpaz peninsula has been praised as a major step of goodwill by the international community.

The nature of the Greek Cypriot proposals, on the other hand, constitute a striking example of their proficiency in presenting what they originally hamper as positive openings and skilfully exploiting the situation for political gain. As is known to the United Nations forces in Cyprus, the so-called military initiatives of the Greek Cypriot administration have been on the agenda for a long time and despite our constructive approach the efforts towards this end remained futile due to the political impediments created by the Greek Cypriot administration. Regarding the opening of additional crossing points, the Turkish Cypriot Government has long declared its unilateral intention and preparations on this issue in consideration of practical and economic needs. As for the opportunity for Turkish Cypriots to export their goods through Greek Cypriot ports, we witness a glaring example of the Greek Cypriot administration's intention to continue holding our economic development hostage to its political considerations as well as extending its illegal authority over Turkish Cypriots.

The above-stated mentality is evident on the issue of opening the port of Famagusta to international trade in addition to a cunning attempt to curtail international efforts to support the economic and social development of the Turkish Cypriot people. The European Union Council proposals on special conditions for trade with North Cyprus and the Greek Cypriot objections in this regard are well known and need no further elaboration. The timing and formulation of the Greek Cypriot proposals on this issue leave no room for doubt that they are mainly aimed at preventing the Council proposals from materializing in conjunction with the added benefit of acquiring land for Greek Cypriots, much more of which was on offer on a give-and-take basis in the very plan they overwhelmingly rejected.

For its part, the Turkish Cypriot side has certainly proved its dedication to reunification on the basis of partnership and political equality and that its firm conviction in this regard remains unchanged.

As for the Greek Cypriot side, we share the international opinion that if the Greek Cypriot side truly desires a bi-zonal, bi-communal solution based on power-sharing and equality, it is high time this is expressed not in words but in concrete actions isolated from any other political or tactical considerations. We only hope that the Greek Cypriot side will soon adopt the necessary constructive approach and instead of impeding international efforts start cooperating towards lifting the economic, social and political restrictions preventing the development of the Turkish Cypriot people, which is the only way to create another window of opportunity from the present impasse they have created.

We trust that your valuable efforts will play an effective role in bringing about this most desired outcome.

(*Signed*) Serdar R. **Denktaş**
Deputy Prime Minister
and Minister for Foreign Affairs

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General Assembly
Fifty-eighth session
Items 24, 37, 38, 84, 103 and 116

Security Council
Fifty-ninth year

Implementation of the resolutions of the United Nations

The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Right of peoples to self-determination

Identical letters dated 24 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

The unlawful confiscation and colonization of the Palestinian land by Israel, the occupying Power, continues unabated and has escalated at an alarming rate during the current period. In recent days and during past weeks, the Israeli government has made several announcements regarding its intention and actual plans to expand illegal settlements in the Occupied Palestinian Territory, particularly settlements that have been constructed in and around Occupied East Jerusalem.

A few weeks ago, the Israeli government approved the construction of another 600 housing units in the "Maale Adumim" settlement, located east of Jerusalem and the largest Israeli settlement in the West Bank, and declared plans to establish a new settlement of thousands of units in an area north of Jerusalem in order to connect these areas with the "Maale Adumim" settlement. Now Israeli officials have announced plans for expansion of even more settlements in the Occupied Palestinian Territory. Last week, Prime Minister Sharon issued tenders for the building of 1,001 settlement units and announcements were made regarding plans to issue tenders for 633 more units. The occupying Power also declared yesterday that it was "rezoning" land for another 533 settlement units in the Jerusalem area, bringing just this week's

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total for planned expansion to an additional 2,167 settlement units in the Occupied Palestinian Territory, including East Jerusalem.

All such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. This fact was recently confirmed by the justices of the International Court of Justice in the Advisory Opinion of 9 July 2004, which determined, inter alia, that the Israeli settlements have been established in breach of international law. Indeed, article 49 of the Fourth Geneva Convention, the applicability of which has been reaffirmed by the Security Council in 27 resolutions and by the International Court of Justice as well, unambiguously stipulates that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Moreover, article 85 (4) of Protocol I Additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Yet, throughout its 37-year occupation of the Palestinian land, Israel has ignored and violated international law by all means and methods, including by deliberately and relentlessly carrying out its colonial settlement campaign. This unlawful Israeli colonization has involved the confiscation of thousands upon thousands of dunums of Palestinian land, the building of more than 150 settlements, the building of a vast and intricate network of bypass roads for exclusive use by the illegal armed Israeli settlers, the establishment of more than 100 settler "outposts" and the transfer of more than 430,000 settlers to the Occupied Palestinian Territory, including East Jerusalem.

As mentioned in my previous letters, and as concluded by the International Court of Justice, the unlawful construction of the Wall by Israel, the occupying Power, is intricately related to this unlawful colonial settlement campaign in the Occupied Palestinian Territory, including East Jerusalem. Indeed, the Wall is part and parcel of Israel's settlement campaign, which is aimed at the colonization and de facto annexation of the Palestinian land. These illegal practices are preventing the realization of the inalienable national rights of the Palestinian people, including their right to self-determination in their independent State of Palestine. Moreover, such illegal policies and practices violate the Road Map, which specifically calls upon Israel, consistent with the Mitchell Report, to freeze all settlement activity, including natural growth of settlements, in addition to the immediate dismantlement of settlement outposts erected since March 2001. In fact, Israel's settlement activities actually negate the essence of the Road Map and seriously undermine the potential for any peace settlement.

It is the height of hypocrisy for any party, especially a member of the Quartet, to condone such policies and at the same time claim adherence to the Road Map. In this regard, reports of acquiescence by the United States administration for the expansion and building of more settlement units are extremely disturbing. The members of the Quartet are called upon to make their position clear by either reiterating the demand for the complete and immediate cessation of all such Israeli policies and practices or by confronting the reality of Israel's blatant refusal to uphold its commitments under the Road Map and to adhere to international law. Providing cover for illegal Israeli activities that effectively destroy the Road Map is

not a sustainable strategy. It is time to face the truth about this deplorable situation and come up with real solutions. Pretending there is a peace process and a Road Map, while Israel simultaneously carries out actions on the ground to ensure they never come to fruition, makes a mockery of these peace initiatives and all who support them. A clear position, based on international law and Security Council resolutions and consistent with the Advisory Opinion of the International Court of Justice, is imperative for any prospect for peace to be salvaged.

In this regard, all Israeli settlement activities and its construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, must be condemned and firmly opposed by the international community. The cessation of these unlawful policies and practices would clearly be instrumental, and are in fact necessary, with regard to the efforts to resume peace negotiations between the two sides towards a final settlement of this protracted and tragic conflict. Thus, the international community must reiterate its call upon Israel, the occupying Power, to abide by all of its legal obligations under international law, including international humanitarian law and human rights law, and must act decisively in case of continued non-compliance.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 84, 38, 37, 103, 116 and 24, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

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Security Council

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General Assembly
Fifty-eighth session
Agenda items 117 and 156

Security Council
Fifty-ninth year

Human rights questions

Measures to eliminate international terrorism

Identical letters dated 25 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith an official note from the Revolutionary Government of Cuba, issued on 22 August.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 117 and 156, and of the Security Council.

(*Signed*) Rodney **López Clemente**
Ambassador
Charge d'affaires, a.i.

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Annex to the identical letters dated 25 August 2004 from the Chargé d'affaires, a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General and the President of the Security Council

Official note from the Revolutionary Government of Cuba

22 August 2004

On 14 August, the Ministry of Foreign Affairs informed international public opinion of rumours circulating in the Miami terrorist mafia that the President of Panama, Mireya Moscoso, would pardon terrorists being held in Panama, and that this decision would be taken between 15 and 30 August.

Reports of an imminent pardon of the four anti-Cuban terrorists have lately intensified in Panama and Miami.

Counter-revolutionary circles in Miami are predicting with certainty that Mireya Moscoso will fulfil her promise to pardon the terrorists in the coming days, before she leaves office.

Friends in Panama have confirmed these rumours and assure us that the Panamanian President has already taken the decision to pardon the terrorists of Cuban origin, Luis Posada Carriles, Gaspar Jiménez Escobedo, Pedro Remón and Guillermo Novo Sampol, who were detained, tried and sentenced in the Republic of Panama for the attempted assassination of comrade Fidel on the occasion of the Ibero-American Summit held in that country. Hundreds of sons and daughters of our sister nation would have also been massacred in that attempt.

The Revolutionary Government of Cuba condemns this latest affront to the Cuban people and reiterates that, if the terrorists being held in Panama are pardoned, President Mireya Moscoso and her Government will have to bear the full responsibility for, and consequences of, this shameful decision in the eyes of posterity.

The Cuban people, who have been subjected to the most vicious form of terrorism for more than four decades, and the families of the more than 3,000 who perished and the thousands who were injured at the hands of terrorists will never be able to comprehend this despicable act of betrayal by Ms. Moscoso.

The Panamanian President will have to bear the stigma and be associated with the immorality of having released confessed killers, terrorists of the worst sort. She will go down in history as the benefactress of terrorism and of these notorious criminals of Cuban origin.

The reprehensible act about to take place is not only a political but also a legal aberration. It is worth noting that, in accordance with Panamanian legislation, the President of the Republic has the power to issue a pardon only once the judicial process has been completed and a firm sentence has been handed down. The trial of the terrorists in question, however, is still being appealed. Hence, the granting of a pardon in this case would be contrary to Panama's own laws.

It is extremely telling that the pretext advanced from the outset by the defence attorneys for these terrorists, namely, that they are elderly and in poor health, is

precisely how the President is trying to justify her "humanitarian gesture". This should suffice to confirm the source of the pressure and the political blackmail behind this entire case.

There could be no better reflection of the ethical and moral rottenness of this decision than the deceitfulness and falseness with which the pardon was arranged.

The counter-revolutionary Miami mafia and the ringleaders of the terrorists gangs operating out of Miami have insistently called for the release of the terrorists by President Moscoso. We have learned that the Panamanian President's sister, Ms. Ruby Moscoso, is in constant contact with the Miami counter-revolution and was a key player in the efforts to release them.

It is widely known that, during his visit to Panama on the occasion of the Republic's centennial, the Secretary of State of the United States of America met with President Mireya Moscoso and sought the release of the four terrorists at the conclusion of their trial.

In the current context of the United States electoral climate, the Bush administration is painstakingly attempting to garner votes and financial support from the most recalcitrant sectors of Florida's Cuban population. This United States administration has amply demonstrated that neither ethical nor moral considerations, nor principles of international law, will deter it from achieving its political ends.

Unfortunately, the Panamanian President, in glaring ignorance of the worthy struggle that many Governments and peoples are waging against terrorism, is turning her back on justice, on the victims of these terrorist crimes, on the Cuban people, on the people of Panama and on all those who are genuinely combating this worldwide scourge.

We wish to express our eternal gratitude to the people of Panama for the solidarity and support they have shown us all these years. The Cuban people and Government will always be able to distinguish between the actions of the heroic Panamanian people and the perfidy of its leaders.

The Revolutionary Government of Cuba, on behalf of the family members of the victims of the terrorist acts by these murderers, and on behalf of all the Cuban people, appeals to international public opinion and to the Governments of the world to condemn and impede this irrational decision by Ms. Mireya Moscoso.

Lastly, we are issuing an extremely serious warning that, if she does not reconsider her decision and these monstrous criminals are pardoned, diplomatic relations between the Republic of Cuba and the Republic of Panama will be automatically severed the moment it is made public.

Havana, 22 August 2004

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Security Council

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Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Identical letters dated 30 August 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit a letter from the Government of Lebanon addressed to you regarding the proposed submission to the Security Council of a draft resolution on Syrian-Lebanese relations (see annex).

I should be grateful if you would arrange to have this letter and its annex circulated to members of the Security Council and issued as an official document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

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Annex to the identical letters dated 30 August 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

The Permanent Mission of Lebanon to the United Nations has informed us that a United States-French draft resolution is currently being circulated calling for the withdrawal of Syrian troops from Lebanon, an end to intervention by the Syrian Arab Republic in the Lebanese presidential elections, and suspension of support by the Syrian Arab Republic for terrorist organizations in Lebanon.

May we point out that proceeding with such a draft resolution would set a dangerous precedent, in violation of international law and norms, for the following reasons:

First, the submission of this draft resolution coincides with the forthcoming presidential elections in Lebanon. The timing of the submission could adversely affect the electoral process and the Security Council would subsequently be seen as a tool of intervention in Lebanon's internal affairs.

Second, the presence of Syrian troops in Lebanon is linked to the Taif Treaty and other bilateral treaties between the Governments of Lebanon and the Syrian Arab Republic. The implementation of this Treaty is entrusted to the appropriate legitimate institutions in each country. No external entities are entitled to intervene in the details of the Treaty, or to impose amendments to its text. This situation, in our view, serves the common interests of the two countries, which alone must determine the extent, limits, necessity and development thereof.

Third, the claim that the Syrian Arab Republic is backing terrorist organizations in Lebanon defies the truth. The Syrian Arab Republic's role in Lebanon has been, and remains, one that supports and strengthens the official security institutions. It is contributing to the maintenance of security in Lebanon, as is clearly demonstrated by the stability prevailing in Lebanon, which can be confirmed internationally, except for the daily Israeli violations of Lebanon's airspace and borders.

Fourth, the attempt by some countries to intervene in Lebanese internal affairs under the pretext of respect for the Constitution on the eve of the presidential elections is a cover for political intentions of no relevance to such claims. Such intentions are aimed at creating an atmosphere of instability that would only expose the country to grave dangers.

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Security Council

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Fifty-eighth session
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The situation in the Middle East

Security Council
Fifty-ninth year

Identical letters dated 30 August 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit a letter from the Government of Lebanon addressed to you regarding an initiative to submit to the Security Council a draft resolution on Syrian-Lebanese relations (see annex).

I should be grateful if you would arrange to have this letter and its annex circulated to members of the Security Council and issued as an official document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the identical letters dated 30 August 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

The Permanent Mission of Lebanon to the United Nations has informed us of the existence of an initiative to submit a United States-French draft resolution urging the Syrian Arab Republic to withdraw its troops from Lebanon, to refrain from interfering in the Lebanese presidential elections and to cease supporting terrorist groups in Lebanon.

May we point out that proceeding with such a draft resolution would set a dangerous precedent, in violation of international law and norms, for the following reasons:

1. The submission of this draft resolution coincides with the forthcoming presidential elections in Lebanon. It is therefore to be feared that the timing of its submission could adversely affect the electoral process and that the Security Council could subsequently be seen as a tool of intervention in Lebanon's internal affairs.

2. The presence of Syrian troops in Lebanon is linked to the Taif Treaty and other bilateral agreements between the Governments of Lebanon and the Syrian Arab Republic. This presence is under the auspices and supervision of the competent legitimate institutions in each country. No external entity is entitled to intervene with regard to its modalities or to impose changes. In our view, this presence serves the many common interests of the two countries, which alone must determine the extent, limits, necessity and development thereof.

3. The allegation that the Syrian Arab Republic is backing terrorist organizations in Lebanon defies the truth. The Syrian Arab Republic's role in Lebanon has always been to support and strengthen the official security institutions. It is contributing to the maintenance of security in Lebanon, as is clearly demonstrated by the stability prevailing in Lebanon, which is internationally recognized, and the general calm, except for the daily Israeli violations of Lebanon's airspace and borders.

4. The attempt made by certain States to interfere in Lebanon's internal affairs under the pretext of respect for the Constitution on the eve of the presidential elections is a cover for political intentions of no relevance to such claims, aimed at manipulating the domestic situation and creating conditions of instability which would only expose the country to grave dangers.

5. We hope that the Secretary-General of the United Nations will intervene with the Security Council to prevent this draft resolution from going forward and avert this grave precedent which could lead the United Nations to abandon its fundamental role and become involved in the internal affairs of a Member State.

I should be grateful if you would arrange for the text of this letter to be circulated as a document of the General Assembly and the Security Council.

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Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 27 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 26 July 2004, addressed to you by H.E. Mr. Andreas D. Mavroyiannis, Ambassador, Permanent Representative of the Republic of Cyprus to the United Nations, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 21, 26, 27, 28 and 29 July 2004 and on 2, 3, 4, 15, 18 and 19 August 2004, as follows:

On 21 July 2004, one C-130 Turkish military aircraft took off from the illegal airport of Lefkoniko, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Mesaoria before exiting towards the FIR of Ankara.

On 26 July 2004, four F-4 Turkish military aircraft coming from the FIR of Ankara in one formation entered the FIR of Nicosia, violating international air traffic regulations before departing in a reverse direction.

On 27 July 2004, eight F-16 Turkish military aircraft, coming in two formations, 10 F-4 Turkish military aircraft, in two formations three KC-135R and two CN-235 Turkish military aircraft entered the FIR of Nicosia, in a total of 16 violations of international air traffic regulations and 11 violations of the national airspace of the Republic of Cyprus, as follows:

(a) The first formation of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, exited towards an easterly direction and re-entered the FIR of Nicosia before departing in a reverse direction;

(b) The second formation of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, flying over the occupied area of Cape Apostolos Andreas and violating the national airspace of the Republic of Cyprus before exiting in an easterly direction. The same formation of aircraft entered the FIR of Nicosia on the same day to depart again in a reverse direction;

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(c) The third formation of F-4 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas before exiting in an easterly direction. The same formation of aircraft entered the FIR of Nicosia on the same day and departed again in a reverse direction;

(d) The fourth formation of F-4 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, exited in an easterly direction and re-entered the FIR of Nicosia to depart later in a reverse direction;

(e) The KC-135R Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas before exiting in an easterly direction. They entered again the FIR of Nicosia on the same day and departed in a reverse direction;

(f) The CN-235 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas in a search and rescue mission before exiting in a reverse direction;

On 28 July 2004, 16 F-16, coming in four formations, two KC-135R, one C-130 and two CN-235 Turkish military aircraft entered the FIR of Nicosia, in a total of 16 violations of international air traffic regulations and 12 violations of the national airspace of the Republic of Cyprus, as follows:

(a) The first and second formations of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia before exiting towards an easterly direction. They re-entered the FIR of Nicosia, whence they departed on the same day in a reverse direction;

(b) The third and fourth formations of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas before exiting in an easterly direction. They re-entered the FIR of Nicosia, whence they departed in reverse direction;

(c) The KC-135R, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas before exiting in an easterly direction. They re-entered the FIR of Nicosia, whence they departed in a reverse direction;

(d) The CN-235, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas in a search and rescue mission before exiting in a reverse direction;

(e) The C-130, coming from the FIR of Ankara, violated the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria before landing at the illegal airport of Tymbou, whence it departed on the same day in a reverse direction.

It should be noted that the aforementioned violations (except the violation of the C-130) were part of a search and rescue exercise conducted in cooperation with the Turkish Navy, north-east of Cyprus.

On 29 July 2004, eight F-16, coming in two formations, eight F-4 in another two formations, three KC-135R, one Turkish military aircraft of unknown type and two CN-235 Turkish military aircraft entered the FIR of Nicosia, in a total of 17 violations of international air traffic regulations and 13 violations of the national airspace of the Republic of Cyprus, as follows:

(a) The first formation of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, departed in an easterly direction, and re-entered the FIR of Nicosia, before departing again in a reverse direction;

(b) The second formation of F-16 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas, exited in an easterly direction and re-entered the FIR of Nicosia, whence it departed in a reverse direction;

(c) The third formation of F-4 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus and flying over the occupied area of Cape Apostolos Andreas, exiting in an easterly direction before re-entering the FIR of Nicosia, whence it departed in a reverse direction;

(d) The fourth formation of F-4 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia and exited in an easterly direction before re-entering the FIR of Nicosia, whence it departed in a reverse direction;

(e) The KC-135R Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, flying over the occupied area of Cape Apostolos Andreas and exiting in an easterly direction before re-entering the FIR of Nicosia, whence they departed in a reverse direction;

(f) The CN-235 Turkish military aircraft, coming from the FIR of Ankara, entered the FIR of Nicosia, flying over the occupied area of Cape Apostolos Andreas in a search and rescue mission and violating the national airspace of the Republic of Cyprus before departing in a reverse direction;

(g) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus before landing at the same airport.

It should be noted that the aforementioned violations were part of a search and rescue exercise conducted in cooperation with the Turkish Navy, north-east of Cyprus.

On 2 August 2004, one Turkish military aircraft of unknown type entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flying over the occupied area of Mesaoria before landing at the illegal airport of Tymbou, where it remained.

On 3 August 2004, one Turkish military aircraft of unknown type took off from the illegal airport of Tymbou, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flying over the occupied area of Mesaoria before exiting towards the FIR of Ankara.

On 4 August 2004, one C-130 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the

Republic of Cyprus and flying over the occupied area of Mesaoria before landing at the illegal airport of Tymbou, whence it departed on the same day in a reverse direction.

On 15 August 2004, one Turkish military aircraft of unknown type and one Super Kingair 200 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flying over the occupied area of Mesaoria before landing at the illegal airport of Tymbou, whence they departed on the same day in a reverse direction.

On 18 August 2004, one C-130 Turkish military aircraft and two B-200 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flying over the occupied area of Mesaoria before landing at the illegal airport of Tymbou, whence they departed on the same day in a reverse direction.

On 19 August 2004, three F-5 Turkish military aircraft entered the FIR of Nicosia in one formation, violating international air traffic regulations and the national airspace of the Republic of Cyprus and flying over the occupied area of Kyrenia before exiting towards the FIR of Ankara.

As repeatedly indicated in our previous communications, the aforementioned violations blatantly contravene international law and air traffic regulations and seriously endanger international civil aviation. Moreover, such actions undermine the efforts made for reconciliation and unification in Cyprus and disappointingly reveal Turkey's lack of good will to achieve a resolution for this long-standing problem.

On behalf of the Government of the Republic of Cyprus, I strongly protest the above violations and call for their immediate cessation. The Government of Turkey should heed the call of the international community, abide by the Charter of the United Nations and respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, contributing thus to the creation of the required conditions for the achievement of a just and viable solution to the Cyprus problem.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas **Hadjichrysanthou**
Chargé d'affaires a.i.

United Nations A/58/881–S/2004/702

General Assembly
Security Council

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30 August 2004

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General Assembly
Fifty-eighth session
Agenda items 67 and 156

Review of the implementation of the Declaration on the Strengthening of International Security

Measures to eliminate international terrorism

Security Council
Fifty-ninth year

Identical letters dated 31 August 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to draw your attention to the most recent, and unspeakably horrific, Palestinian terrorist attack perpetrated against the citizens of Israel.

Today, at 2.50 p.m. local time, two suicide bombers blew themselves up in near-simultaneous attacks on buses in the Israeli city of Be'er Sheva. At least sixteen Israelis were murdered in these explosions, and over one hundred more were maimed. A three-year-old boy was among the dead, the latest of the many young victims of Palestinian terror. In their leaflet proudly claiming responsibility for the attack, the Palestinian terror group Hamas, which receives active support from Iran and Syria and operates freely in Palestinian Authority territory, even added a threat to recent immigrants to Israel, saying to them, "This is your fate, so wait."

Early reports indicate that the bombers and their accomplices likely came from the West Bank town of Hebron, infiltrating into Israel in an area where the security fence has yet to be erected. In contrast, in areas where the security fence has already been completed, there have been no successful terror attacks in Israel for five months, despite a steady stream of attempts. Today's attack is a tragic illustration of the unfortunate need for the security fence.

Earlier in the day Israeli forces foiled a suicide attack when a Palestinian terrorist, posing as a labourer, attempted to infiltrate into Israel from Gaza with an explosive device hidden in his trousers. This incident illustrates, yet again, the willingness of Palestinian terrorists to exploit the passage granted to innocent Palestinian civilians so as to pursue their murderous campaign. As a result, they endanger not only the innocent Israeli civilians they target, but the life and

04-47437 (E) 310804

livelihood of ordinary Palestinians whom they hide amongst in violation of the most basic human rights and humanitarian norms.

The Palestinian leadership's ongoing refusal to live up to its moral and legal obligations, including those in the very first clauses of phase I of the Road Map, to fight terrorism and the infrastructure that supports it, remains the key obstacle to progress. Instead of living up to their binding legal obligations, and thus paving the way for peaceful dialogue, the Palestinian side is busily engaged in diversionary tactics, cheap propaganda and accusations, including in United Nations forums, that pretend that the Palestinian side has rights but no responsibilities and compel Israel to engage in defensive measures. The cost of this morally bankrupt strategy is paid in the lives of innocents, the stagnation in the peace process, and the suffering of both Israelis and Palestinians. As long as it continues in the criminal abdication of its responsibilities, encouraging and glorifying terrorist action instead of actively confronting it, Israel will be compelled to adopt the necessary defensive measures in accordance with international law and its inherent right of self-defence, to protect its citizens.

Israel calls upon the international community not to tolerate Palestinian attempts to divert attention from their absolute duty to fight terrorism, which is the enemy of both peoples, and the greatest single obstacle to progress on the Road Map. In this context, we call on the international community to reaffirm its absolute rejection of terrorist tactics, and to accept nothing less than the complete dismantling of terrorist organizations, and relentless efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law and Security Council resolution, in particular resolution 1373 (2001).

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism launched in September 2000, which document the crimes for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-eighth session of the General Assembly, under agenda items 156 and 67. An identical letter is being submitted to the President of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations A/58/882–S/2004/705

General Assembly
Security Council

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1 September 2004

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 1 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon (see annex).

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and go against the principles of international law, the resolutions of international legitimacy, and your repeated calls for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Lebanon places upon Israel full responsibility for any consequences to which those acts may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint and its annex circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-47526 (E) 030904

Annex to the letter dated 1 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Israeli violations and acts of aggression against Lebanon (2-25 August 2004)

2 August

Between 1015 and 0315 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

4 August

At 2220 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired one flare shell on the open sea.

5 August

At 1850 hours, Israeli occupation forces positioned in Samaqa inside Chebaa farms fired a flare shell and several bursts of medium machine-gun fire at the surroundings of this position.

6 August

At 2329 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

7 August

At 1150 hours, Israeli occupation forces positioned in El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

Between 2045 and 2115 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire and many flare shells on the open sea.

8 August

Between 2120 and 2135 hours, Israeli occupation forces positioned in Zebdine inside Chebaa farms fired three flare shells over the liberated Lebanese territory and one 155-mm artillery round impacted the surroundings of Birket El Naqar inside the farms.

At 1925 hours, Israeli occupation forces positioned in Samaqa inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

10 August

Between 0230 and 0315 hours and between 2240 and 2305 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

11 August

Between 2325 and 0115 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Saida, and circled over Beirut and Saida.

12 August

At 0500 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired a flare shell and between 2025 and 2035 hours fired several bursts of medium machine-gun fire on the open sea.

13 August

Israeli warplanes violated Lebanese airspace at different altitudes over Chebaa farms.

14 August

At 0325 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired a flare shell on the open sea.

At 1850 hours, Israeli occupation forces positioned in El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

15 August

Between 0210 and 0515 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired three flare shells and several bursts of medium machine-gun fire and at 1044 hours fired several bursts of medium machine-gun fire on the open sea.

17 August

At 0106 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire and at 2010 hours fired a flare shell on the open sea.

Between 0702 and 1140 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre headed east, and circled over Maarake — Nabatiya — Saida.

Between 1100 and 1210 hours, Israeli warplanes violated Lebanese airspace at different altitudes over Chebaa farms.

Between 1150 and 1235 hours, Israeli warplanes violated Lebanese airspace at different altitudes over Tibnine.

18 August

At 0800 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire, and at 2019 hours fired two flare shells on the open sea.

At 1150 hours, Israeli occupation forces facing the Lebanese village El Bustan fired several flare shells over R'as Naqoura beach.

Between 1645 and 1850 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Maarake — Jouwaya and Borj El Chmali.

24 August

Between 0915 and 1420 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Tyre — Nabatiya and Qana.

25 August

Between 0916 and 1400 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Tyre — Maarake — Qana and Nabatiya.

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Security Council

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Identical letters dated 1 September 2004 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

Upon instructions from my Government, I would like to convey to you the following regarding the proposed draft resolution on Lebanon that is before the Security Council.

The Syrian Arab Republic rejects in principle any discussion of the proposed draft resolution for the following reasons:

1. Lebanon, the concerned country, rejects raising this issue as expressed in the letter of the Permanent Representative of Lebanon issued as document A/58/879-S/2004/699.

2. The discussion by the Security Council of this issue contradicts paragraph 7 of article 2 of the Charter, which stipulates: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter".

3. The issue raised is not linked to any dispute and does not constitute a threat to international peace and security; consequently, the overall question does not fall under the jurisdiction of the Security Council by any means.

4. Syrian-Lebanese relations are governed by the Treaty of Brotherhood, Cooperation and Coordination concluded between the two countries and deposited with the United Nations.

5. There has been no complaint sent to this effect from the Lebanese or Syrian authorities, either to the United Nations or to the Arab League, as a regional organization.

04-47572 (E) 010904

6. The Syrian Arab Republic considers any discussion of this issue in the Security Council as a dangerous precedent that deviates the Council from its main functions and makes it a tool for illegal interference in the internal affairs of the independent and sovereign States Members of the United Nations.

I would appreciate it if this letter were circulated as a document of the fifty-eighth session of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Dr. Fayssal **Mekdad**
Ambassador
Permanent Representative

United Nations A/58/884–S/2004/718

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Security Council

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General Assembly
Fifty-eighth session
Agenda items 117 and 156

Human rights questions

Measures to eliminate international terrorism

Security Council
Fifty-ninth year

Letter dated 2 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the statement from the Revolutionary Government of Cuba, issued on 26 August 2004.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 117 "Human rights questions" and 156 "Measures to eliminate international terrorism"; and of the Security Council.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

04-50034 (E) 080904 080904

Annex to the letter dated 2 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Revolutionary Government of Cuba

On 25 August 2004, despite repeated warnings from Cuba, Mireya Moscoso, President of Panama, in an underhanded and disgraceful act, signed Decree number 317, pardoning four Cuban-born terrorists, who were detained, tried and sentenced in Panama for the attempted assassination of President Fidel Castro in November 2000.

That decree was issued early this morning, only a few hours after our Ambassador, Comrade Zamora Rodríguez, had left Panamanian territory following his expulsion by the Panamanian authorities as part of a manoeuvre designed to create the conditions for the release of the terrorists Luis Posada Carriles, Gaspar Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodríguez.

The Decree confirms how serious and accurate have been the warnings from Cuba which, right from the moment the terrorists were detained on 17 November 2000, has been warning the Panamanian authorities both publicly and through diplomatic channels about the serious consequences that their release under any pretext would have for Panama's credibility. Cuba's warnings became more insistent from 14 August 2004, when our Government got confirmation, as more accurate information became available, that the terrorists would be pardoned by the outgoing President of Panama.

This last action taken by President Moscoso, in connivance with the United States Government and the Miami terrorist mafia just a week before leaving office, is but the culmination of a process of complicity with terrorism against Cuba and protection of the above-mentioned Cuban-born terrorists which began on 10 April 2001, when the President of Panama herself, through Executive Decisions 58, 59, 60 and 61, rejected our Government's legitimate and well-grounded application of 12 January 2001 for the extradition of the four terrorists, which met all the relevant requirements under Panamanian law and international instruments in force.

The acceptance of our application would have enabled Cuba to try them for the offences perpetrated for decades against its people and which have plunged so many Cuban families into mourning and caused such suffering.

It should be recalled that Luis Posada Carriles was directly responsible, among many other acts of terrorism, for the 1976 sabotage in full flight of a Cubana Aviacion passenger aircraft in which 73 persons perished; for the series of bombings perpetrated against Cuban hotels in the late 1990s, which resulted in the death of a young Italian tourist, Fabio di Celmo; and for many plans to assassinate our Commander-in-Chief. Posada Carriles is a fugitive from Venezuelan justice.

The many offences committed by Gaspar Jiménez Escobedo included the murder in Mexico of the Cuban fishing technician, Artañán Díaz Díaz; he also participated in the preparation of the bombings of Cuban hotels and the training of mercenaries recruited for such terrorist activities. Jiménez Escobedo escaped from prison in Mexico while awaiting trial for trafficking in explosives and drugs.

Guillermo Novo Sampoll was responsible for the placing of explosive devices in Cuban embassies and in the aircraft and ships of countries that trade with Cuba and, as such, could now be extradited by many countries to answer charges; furthermore, as an agent of the cruel dictator Augusto Pinochet's Chilean DINA, he was one of those responsible for the assassination in Washington of Orlando Letelier, Minister for Foreign Affairs of the Unidad Popular Government. Novo Sampoll was also directly involved in the training of terrorists on the territory of the United States of America, who were captured in 2001 in Cuba when they landed on our shores for the purpose of attacking civilian and tourist facilities in Cuba.

Pedro Remón Rodríguez murdered the Cuban diplomat, Félix García Rodríguez, on 11 September 1980 in New York and the Cuban emigrant, José Eulalio Negrín; he also placed bombs in the offices of the Permanent Mission of Cuba to the United Nations in late 1979 and made an attempt on the life of the Cuban Ambassador to the United Nations a few months thereafter.

These are the types of international terrorists that the President of Panama has just pardoned without even taking into account the fact that the proceedings against them had not been concluded. The Panamanian court that tried the terrorists for planning to assassinate our Commander-in-Chief in 2000 sentenced Luis Posada Carriles and Gaspar Jiménez Escobedo to eight years' imprisonment, and Pedro Remón and Guillermo Novo Sampoll to seven years' imprisonment; lawyers representing Panamanian workers', students' and indigenous peoples' organizations objected to the sentences as inconsistent with the seriousness of the offence and also because of irregularities surrounding the trial itself.

President Moscoso did not even wait for the higher courts of Panama to rule on the appeals process, flagrantly violating Panamanian law and displaying utter contempt for her country's judiciary.

Furthermore, as indicated in the communiqué published this morning by the Ministry of the Interior and Justice of the Republic of Panama in announcing the signing by President Moscoso of Decree number 317 pardoning the four terrorists, under article 179 of the Constitution of the Republic of Panama, the President may grant pardons for political offences, reduce penalties and grant conditional release to persons guilty of ordinary offences.

It may be wondered whether President Mireya Moscoso considers terrorism a "political offence". There is nothing "political" about the offences for which the terrorists were tried and sentenced by a Panamanian court. The four terrorists pardoned today by the President of Panama are nothing less than despicable ordinary criminals, terrorists and mercenaries who, in attempting to assassinate Comrade Fidel, would also have caused the deaths of hundreds of Panamanians.

Therefore, Cuba reiterates that the pardon granted by President Moscoso not only violates Panamanian law but also violates international anti-terrorist instruments signed by the Republic of Panama. It is an affront to the victims of terrorism and their families and makes the President of Panama an accomplice to terrorism and party to letting the four terrorists get away with murder.

The Revolutionary Government of Cuba recalls the warning in its official note of 22 August that pardoning the terrorists would lead to the automatic severance of diplomatic relations between the two countries; that warning was reiterated in the note published yesterday, 25 August 2004.

Therefore, pursuant to the agreement of the Council of State, the Revolutionary Government announces that as of this moment, 4.15 p.m. on 26 August 2004, diplomatic relations between the Republic of Cuba and the Republic of Panama, a State that has demonstrated its inability to prevent the horrendous decision that has just been taken against the people of Cuba, have been severed indefinitely.

The President of Panama, an accomplice and harbourer of terrorists, will have to bear the full responsibility for this repugnant and treacherous decision and will also bear responsibility for any new offences that these execrable murderers may commit in future.

Revolutionary Government of Cuba
Havana, 26 August 2004

United Nations A/58/885–S/2004/720

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Security Council

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General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 3 September 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 3 September 2004, addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

04-50205 (E) 090904

Annex to the letter dated 3 September 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to our letter dated 18 June 2004 (A/58/844-S/2004/507, annex), I have the honour to refer to the two letters dated 26 July 2004 and 27 August 2004 addressed to you by Greek Cypriot representatives in New York and circulated as documents of the General Assembly and of the Security Council (A/58/858-S/2004/597 and A/58/880-S/2004/700, respectively), which yet again contain allegations of violations of the "airspace of the Republic" and "of the flight information region (FIR) of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

These two letters are yet another example of the Greek Cypriot policy of distracting attention from the glaring fact that the Cyprus problem remains to resolved due to the Greek Cypriot rejection of your settlement plan on 24 April 2004. Instead of inventing issues with a view to creating a smokescreen before the real issues in Cyprus, what is expected of the Greek Cypriot administration is to stop campaigning against the declared will of the European Union in particular, and of the international community in general, to end the isolation of the Turkish Cypriot people.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

United Nations A/58/886

General Assembly

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9 September 2004

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Fifty-eighth session
Agenda item 121
Programme budget for the biennium 2004-2005

Estimates in respect of special political missions, good offices and other political initiatives, authorized by the General Assembly and/or the Security Council

Report of the Secretary-General

Summary

The present report is submitted in compliance with resolution 58/294 of 18 June 2004, by which the General Assembly, inter alia, authorized the Secretary-General to enter into commitments in the amount of $6 million and requested him to submit to the Assembly a comprehensive financial report on the requirements for United Nations support to the Cameroon-Nigeria Mixed Commission, including requirements to be provided from the regular budget and those elements being financed from other sources.

The present report contains the proposed resource requirements of the United Nations support to the Mixed Commission for a seven-month period from 1 June to 31 December 2004, as revised. The total revised requirements are estimated at $5,419,300.

The report also includes information on those elements which have been or are being funded from sources other than the regular budget.

04-50594 (E) 011004

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I. Introduction

1. The purpose of the present report is to provide to the General Assembly, in compliance with the request contained in resolution 58/294 of 18 June 2004, a comprehensive financial report on the requirements for the United Nations support to the Cameroon-Nigeria Mixed Commission, including requirements to be provided from the regular budget and those elements being financed from other sources, and to seek necessary funding in the biennium 2004-2005 relating to the United Nations support to the Mixed Commission.

2. The Mixed Commission was established, at the request of the Presidents of Cameroon and Nigeria, following the tripartite summit held in Geneva on 15 November 2002 between the two Presidents and the Secretary-General, in order to move forward on the implementation of the decision of the International Court of Justice on the Cameroon-Nigeria land and maritime boundary dispute. The Mixed Commission is chaired by the Special Representative of the Secretary-General for West Africa.

3. The United Nations support to the Mixed Commission was established to provide United Nations assistance in the implementation of the decision of the International Court of Justice. The initial resource requirements for the support to the Mixed Commission were met, under an ad hoc arrangement, from extrabudgetary resources. As that arrangement was not sustainable, on the basis of the request of the Secretary-General to the Security Council dated 17 March 2004 (see S/2004/298) and the Council's response of 15 April 2004 (S/2004/299), the requirements for the United Nations support to the Mixed Commission for the period 1 June through 31 December 2004 were submitted for funding under the regular budget.

4. Having considered the report of the Secretary-General on resource requirements for the United Nations support to the Mixed Commission (A/C.5/58/20/Add.1), the General Assembly, by its resolution 58/294, authorized the Secretary-General to enter into commitments in the amount of $6 million and requested him to submit, by the end of the fifty-eighth session, a comprehensive financial report on the requirements for the United Nations support to the Mixed Commission. The revised requirements for the United Nations support to the Mixed Commission under the regular budget for the period 1 June to 31 December 2004 amount to $5,419,300. The decrease in requirements of $580,700 reflects the actual pace of activities on the ground. Further details are provided in part III of the present report. Financial information on those elements of the Mixed Commission's mandate which are or will be funded from sources other than the regular budget is presented in part IV. The financing action requested of the General Assembly is set out in part V.

II. Special political mission emanating from the Security Council: United Nations support to the Cameroon-Nigeria Mixed Commission

Background, mandate and objective

5. In anticipation of the ruling of the International Court of Justice, and in an effort to secure the prior commitment of Cameroon and Nigeria to the implementation of the Court's expected decision on their boundary dispute, the Secretary-General invited the Presidents of the two countries to meet in Paris in his presence on 5 September 2002. At the end of the meeting, both heads of State agreed to respect and implement the Court's ruling and to establish an implementation mechanism, with the support of the United Nations. The two Presidents also agreed on the need for a number of confidence-building measures aimed at strengthening overall ties between their two countries.

6. Following the Court's announcement of its ruling on 10 October 2002, the Secretary-General invited the two Presidents to a second tripartite summit in Geneva on 15 November 2002. In a joint communiqué issued following the meeting, both Presidents renewed their commitment to renounce the use of force in their bilateral relations and to pursue peaceful ways for the settlement of their boundary differences. In order to move forward on the implementation of the Court's decision, both Presidents requested the Secretary-General to establish a Mixed Commission, to be chaired by the Special Representative of the Secretary-General for West Africa.

7. The Mixed Commission was established to consider the implications of the Court's decision, including the demarcation of the land boundary between the two countries and to make recommendations on additional confidence-building measures, such as the development of projects to promote joint economic ventures and cross-border cooperation, troop withdrawal from relevant areas along the land boundary, eventual demilitarization of the Bakassi peninsula, with the possibility of deploying international personnel to observe the withdrawal, and reactivation of the Lake Chad Basin Commission, a five-nation structure of which Cameroon and Nigeria are leading members.

8. The Mixed Commission is composed of representatives from Cameroon and Nigeria. It has established two subcommissions which report to the Mixed Commission, one responsible for demarcation of the land boundary between the two countries and the other on affected populations with a mandate to assess the situation of these populations and to consider effective ways to ensure protection of their rights. The Mixed Commission has also established the following working groups which report to it: (i) Working Group on the withdrawal of civil administration and military and police forces and the transfer of authority in the Lake Chad area, which completed its work in January 2004; (ii) Working Group on withdrawal and transfers of authority in the land boundary; (iii) Working Group on withdrawal and transfer of authority in the Bakassi peninsula; and (iv) Working Group on the maritime boundary.

9. The Mixed Commission has held 11 meetings to date and visited all three main border areas. A working calendar of the Mixed Commission was negotiated and endorsed by both parties on 6 August 2003 and revised in early April 2004. Among

the most important tasks carried out by the Mixed Commission was the successful completion of the withdrawals and transfers of authority of civil administration, military and police forces in the Lake Chad area, in December 2003, and along the land boundary, in July 2004. The third and final phase of withdrawals and transfers of authority in the Bakassi peninsula is scheduled to take place by mid-September 2004.

10. The subcommission on demarcation of the land boundary between the two countries reports on the progress of its work to the bimonthly meetings of the Mixed Commission. As mandated, the subcommission on demarcation has prepared a work programme for the demarcation exercise which was approved by the Mixed Commission at its second meeting, held in Abuja in February 2003. The responsibilities of the subcommission on affected populations are to identify the affected populations, to assess their situation on the ground, including identifying the specific rights that need to be protected, and to consider modalities to achieve this goal. To date, the subcommission has carried out a series of visits to the Lake Chad area, the land boundary and the Bakassi peninsula and its reports have been adopted by the Mixed Commission. In order to ensure stability following the withdrawals and transfer of authority in the Lake Chad area and along the land boundary, a United Nations civilian observer team has been deployed.

11. The work of the Mixed Commission is expected to be completed by the end of 2005.

III. Estimated resource requirements

12. The revised requirements for United Nations support to the Mixed Commission for a seven-month period from 1 June to 31 December 2004 would amount to $5,419,300. These requirements would provide for: (i) the costs of four military advisers/liaison officers ($189,700); (ii) civilian staffing costs, consisting of the salaries and common staff costs of 21 staff indicated in table 1 below ($1,210,400); (iii) the costs of the deployment of 32 civilian observers in the Lake Chad area, the land boundary and the Bakassi peninsula to ensure stability following the withdrawal of armed forces and police ($1,200,000); (iv) the costs of services of experts on specific issues, including the demarcation of the land boundary, the maritime boundary, environmental issues, economic issues, civil affairs, security issues and social affairs ($308,300); (v) contractual services ($246,000); (vi) official travel of staff ($675,300); and (vii) other related operational requirements ($1,589,600).

Table 1
Support to the Cameroon-Nigeria Mixed Commission: proposed civilian staffing requirements for 2004

Professional category and above						*General Service and related category*			
D-1	*P-5*	*P-4*	*P3*	*P2*	*Total*	*General Service*	*Total international*	*Local level*	*Total*
1	4	6	2	1	14	1	**15**	6	**21**

IV. Activities funded from voluntary contributions

13. Activities carried out or to be carried out under the auspices of the Mixed Commission since its inception comprise: (i) United Nations support to the Mixed Commission; (ii) the boundary demarcation activities; and (iii) activities and joint projects as part of confidence-building measures between the two countries. In kind and financial contributions have been received in support of the United Nations support to the Mixed Commission and the boundary demarcation activities. There has been, however, no financial pledge or contribution for joint projects or for other confidence-building measures.

14. A number of fund-raising missions to donor countries and institutions to raise voluntary contributions for demarcation activities, development projects and the activities of the United Nations support to the Mixed Commission were undertaken, including to the United Kingdom, France and the United States, all of which indicated the possibility of directly contributing or assisting in securing contributions from other multilateral agencies and organizations. Missions were also undertaken to the World Bank and the African Development Bank. Further fund-raising missions are planned for 2004 to other potential donors, including Canada and the European Union countries.

United Nations support to the Mixed Commission

15. **While there has been no financial contribution or pledge in support of the United Nations support to the Mixed Commission, in kind support is being provided by the Government of Norway in the form of services of a legal expert on maritime boundary issues and by the Government of Senegal in the form of rent-free office space.**

Boundary demarcation activities

16. **The boundary demarcation activities, which are estimated to cost approximately $12 million, are funded from extrabudgetary sources. To date, four contributors have pledged or contributed a total of nearly $8.3 million, which accounts for approximately two thirds of the estimated requirements for the boundary demarcation activities. In addition, in kind contributions in the form of logistical support, including accommodation and transportation, are being provided by Cameroon and Nigeria in connection with a number of field visits to the Lake Chad area, the land boundary and the Bakassi peninsula.**

Activities and joint projects as part of confidence-building measures between the two countries

17. The Mixed Commission is mandated to make recommendations on additional confidence-building measures between the two countries, to include joint projects and ventures to be financed by development partners and to promote cross-border cooperation. Accordingly, the Commission continues to establish and maintain contact with several multilateral financial and development organizations. A number of sources have indicated their interest to support joint projects as part of confidence-building measures. The World Bank has indicated that it would consider ways of supporting the work of the Mixed Commission and would discuss concrete ways of providing support for community-development-related activities in the

border areas. Similarly, the African Development Bank has indicated its interest to support the transboundary Enugu-Mutengene road development project, as well as its preparedness to consider other projects, especially in the area of the environment.

18. A list of pledges and contributions received to date in support of the Mixed Commission and a matrix of components funded from the regular budget and other sources are presented, respectively, in tables 2 and 3 below.

Table 2
List of voluntary contributions and pledges received as of 31 August 2004 for various elements of the Cameroon-Nigeria Mixed Commission

Contributors	*Amounts contributed or pledged (US dollars)*
A. United Nations support to the Cameroon-Nigeria Mixed Commission	
Norway	In kind support being provided by the Government of Norway in the form of services of a legal expert on maritime boundary issues
Senegal	In kind support in the form of rent-free office space
B. Boundary demarcation activities	
Cameroon	3 000 000
Nigeria	3 000 000
United Kingdom	1 783 500
European Union	478 000
Total	**8 261 500**
C. Joint projects and other confidence-building measures	
World Bank	No specific pledge or contribution except expression of interest to support joint activities and cooperation
African Development Bank	No specific pledge or contribution except expression of interest to support joint activities and cooperation

Table 3
Matrix of components funded by assessed budgets and other sources

	Funded from the regular budget	*Funded from other sources*
A. United Nations support to the Cameroon-Nigeria Mixed Commission		
(i) Initial phase of the United Nations support to the Cameroon-Nigeria Mixed Commission (since inception to May 2004), including all staffing and operational costs		X
(ii) United Nations support to the Cameroon-Nigeria Mixed Commission (since 1 June 2004), including all staffing and operational costs	X	
B. Boundary demarcation activities		X
• Inspection and positioning of all boundary turning points along the boundary		
• Inspection and positioning of all boundary intermediate points along the boundary		
• Field inspection and identification of the general line of the boundary where it is defined by catchments and general identification of pillar locations		
• Direction and random checking of the establishment of the geodetic network to control the accurate positioning of the boundary pillars		
• Positioning and placement of boundary pillars		
• Undertaking random field inspections to check compliance with specifications		
• Undertaking random field inspections of pillar emplacement		
• Provision of final maps and records substantiating the authoritative implementation of the demarcation		
C. Joint projects and other confidence-building measures	To be funded and implemented by partners, such as the World Bank and the African Development Bank	

V. Action required from the General Assembly

19. **The General Assembly is requested to:**

(a) Recall its previous commitment authority approved in resolution 58/294 of 18 June 2004 in the amount of $6 million;

(b) Note that the revised requirements for the United Nations support to the Cameroon-Nigeria Mixed Commission for the period 1 June to 31 December 2004 amount to $5,419,300;

(c) Decide to reduce the amount of commitment authority previously approved from $6 million to $5,419,300;

(d) Decide also that the commitment of $5,419,300 would be considered for appropriation under section 3, Political affairs, of the programme budget, in the context of action to be taken on the first performance report for the biennium 2004-2005.

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Letter dated 8 September 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 8 September 2004, addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly under agenda item 30, and of the Security Council.

(*Signed*) Altay **Cengizer**
Minister Counsellor
Chargé d'affaires a.i.

04-50732 (E) 130904

Annex to the letter dated 8 September 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

8 September 2004

I have the honour to convey herewith a copy of the letter dated 6 September 2004 addressed to you by H.E. Mr. Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

6 September 2004

It has come to my attention tnat the representative of the Greek Cypriot administration at the United Nations has circulated yet another letter concerning the so-called series of confidence-building measures proposed by the Greek Cypriot side on 6 August 2004. In that connection, I would like to bring to your attention the following pertinent views and concerns of the Turkish Cypriot side.

The said initiatives of the Greek Cypriot administration are obviously an attempt to neutralize the negative repercussions of the situation the Greek Cypriot side has encountered with the results of the referendum. As you no doubt are well aware, despite our constructive approach towards improving the relations between the two sides on the island and even implementing whenever possible what we have proposed unilaterally, our efforts do not yield the desired effect owing to the political impediments created by the Greek Cypriot administration.

With the latest so-called proposal, which includes the circulation of public-service vehicles owned by Turkish Cypriots and the facilitation of the movement of goods as well as development of contacts and economic relations between the two sides, we have witnessed, once again, the intention of the Greek Cypriot administration to extend its illegal authority to the Turkish Cypriot side as well as to continue holding our economic development hostage to its political considerations, confirming the major reason behind the resounding "no", which was to "upgrade and shield politically the Republic of Cyprus", as in Mr. Papadopoulos' own words in his address to the Greek Cypriot people on 7 April 2004, prior to the referendums.

The Greek Cypriot proposals attempt to curtail international efforts towards supporting the economic and social development of the Turkish Cypriot people. The European Council proposals on special conditions for trade with North Cyprus and the Greek Cypriot objections in that regard are well known and need no further elaboration. Therefore, the timing and formulation of the Greek Cypriot proposals leave no room for doubt that they are mainly aimed at preventing the Council proposals from materializing and benefiting the Turkish Cypriot people.

For its part, the Turkish Cypriot side has proven its dedication to reunification on the basis of partnership and political equality and its firm conviction in this regard remains unchanged. The Greek Cypriot side, on the other hand, is not only far from accepting any kind of compromise but has yet to come to terms with the fact that the Cyprus question needs to be solved between the two political and sovereign equal peoples on the island.

We only hope that the Greek Cypriot side will adopt the necessary constructive approach without further delay and, instead of impeding international efforts, start cooperating in lifting the economic, social and political restrictions that prevent the development of the Turkish Cypriot people. This is the only way to create another window of opportunity from the present impasse that they have created themselves.

Allow me to reiterate our firm dedication to attaining a just and durable solution based on bizonality and political equality. We only hope that the international community will not hesitate to take the necessary concrete steps to

ensure that the Greek Cypriot side adopts the same approach and commits itself to a just and viable solution by concrete action. We trust that your valuable efforts shall play an effective role in bringing about this desired outcome.

(*Signed*) Serdar R. **Denktaş**
Deputy Prime Minister
and Minister for Foreign Affairs